IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21159 of 2004

Between:

The Fisherman Coop. Society, Adavimaddulapalli Village,
Kamepalli Mandal, Khammam District. Rep. by its President. Adapa

Ramanadham, S/o. Late Pitchaiah. Aged 45 years.

..... PETITIONER

AND

1 The Asst. Director, Fisheries Department, Khammam.
2 The Intergrated Tribal Development Agency, rep. by its Project Officer,
Badrachalam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ Order or direction mostly one which is in the nature of writ of Mandamus declaring the letter No.29/2004 dt. 4.11.2004 of the 1st respondent and the consequential action of the 2nd respondent for conducting enquiry about the eligibility of the persons who are seeking admission as members in the petitioner society as illegal, irregular arbitrary, unjustified, contrary to the provisions of A.P. Cooperative Societies Act and unsustainable and set aside the same holding that the 2nd respondent cannot be permitted by the 1st respondent to conduct any enquiry about the eligibility of the proposed members.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents : GP FOR FISHERIES

The Court at the admission stage, made the following :

HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 21159 Of 2004

ORDER:

The present Writ Petition is filed to declare the letter No.29/2004, dated 04-11-2004 issued by the 1st respondent, for conducting enquiry about the eligibility of the persons who are seeking admission as members in the petitioner-society, as illegal, irregular and arbitrary.

2. Heard the learned counsel for the petitioner-society and the learned Government Pleader for the respondents.

3. Sri P.Veera Reddy, learned counsel appearing on behalf of the petitioner-society vehemently contended that the members of the society and the income realized from the tanks have to be taken into consideration and the 1st respondent cannot allot the members to the petitioner's society, thereby depriving loss to the other members of the society and hence, he prays to quash the proceedings.

4. On the other hand, the learned Government Pleader for Fisheries, appearing on behalf of the respondents contended that the 1st respondent is the competent authority, under the law, to conduct an enquiry and to admit the members into any Society and, therefore, the order under

challenge does not suffer from any incurable legal infirmities so as to call for interference by this Court.

5. The fact that the 1st respondent is the competent authority to conduct an enquiry, is not denied or disputed by the learned counsel for the petitioner. Therefore, the 1st respondent has got every jurisdiction to conduct an enquiry whether an application came from some applicants or from the 2nd respondent. It makes no difference, but he is the competent authority to make an enquiry.

6. But, the learned counsel for the petitioner-society submitted that the petitioner-society had already purchased seed from the authorized fish seed centers and the fish has grown to sufficient size and at this stage, if any new members have been inducted by the Society, it will cause loss to the members who are entitled for profits in proportionate contribution. Therefore, he prays to give necessary directions to the 1st respondent to consider the representation, if any that may be given to him while passing appropriate orders. For which, the learned Government Pleader for the respondents did not seriously oppose.

7. Therefore, a direction can be given to the 1st respondent to conduct necessary enquiry as per law after receiving representation from the petitioner-society within a period of one week from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of.

_____ November 22, 2004

Issue C.C. in two days

B/o.

Kvr

To

1 The Asst. Director, Fisheries Department, Khammam.
2 The Intergrated Tribal Development Agency, rep. by its Project Officer, Badrachalam, Khammam District.

3 Two C.Cs to the G.P. for Fisheries, High Court of AP Buildings, High

Court of A.P., Hyderabad (O.U.P.).

4 Two C.Ds.